

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



April 25, 2002

Regulation Package 1201-23

CDSS MANUAL LETTER NO. EAS-02-01

TO: HOLDERS OF THE EAS MANUAL, DIVISIONS 40, 42 and 82

Regulations Package #1201-23**Effective 2/28/02****Sections 40-107, 42-301, 42-302, 44-133, 82-832 & 82-833**

Assembly Bill (AB) 1542 (Chapter 270, Statutes of 1997) established the California Work Opportunity and Responsibility to Kids (CalWORKs) program. The statute added Sections 11454 and 11454.5 to the Welfare and Institutions Code, which mandate a 60-month time limit on the receipt of CalWORKs cash aid by adults with specific exceptions. Welfare and Institutions Code Section 11454(e) allows adults who meet certain criteria to receive aid beyond the 60-month time limit. Welfare and Institutions Code Section 11454.5(b) allows months of aid to be exempt from the 60-month time limit. These regulations establish the process by which CalWORKs recipients can claim exemptions to the 60-month time limit and require counties to inform recipients of their remaining time on aid at specific intervals and upon request. These regulations ensure that recipients are informed of their rights and responsibilities under time limit requirements, consistent with general informing in Manual of Policies and Procedures (MPP) Section 40-173. These regulations allow time limit requirements to be applied consistently statewide.

Federal welfare reform provides that no person may receive Temporary Assistance for Needy Families (TANF) assistance for more than 60-months. CalWORKs time limits were established to implement federal time-limited aid. The time limit is intended to provide an incentive to cash aid recipients to achieve self-sufficiency through employment before the time limit expires. Although TANF funding is only available after 60-months for hardship cases, California law establishes a "safety net" which provides limited aid beyond the 60-month TANF time limit. The limited aid provided under California law is aid for only the children of adults whose time limit has expired. These regulations are necessary to specify how safety net aid will be calculated when the 60-month time limit is reached.

FILING INSTRUCTIONS

Revisions to all manuals are shown in graphic screen. The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing EAS changes was EAS-01-11.

Page(s)

58 through 59
188 through 193.2
408 and 409
414 through 416
900 and 901
914 through 917

Replace(s)

Pages 58 and 59
Pages 188 through 193
Pages 408 and 409
Pages 414 through 416
Pages 900 and 901
Pages 914 through 917

Attachment

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40-107	COUNTY RESPONSIBILITY (Continued)	40-107
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- .112 The county shall notify the applicant or recipient that upon request of the custodial parent, the county department shall provide information to that custodial parent on the amount of child and spousal support paid to the county by the absent parent. (See Section 43-201.3.)
- .12 All forms pertaining to .11 and .111 above shall be available for the applicant to complete at the initial interview when the CA 2.1 is completed, but need not be completed prior to granting emergency aid.
- .13 The applicant shall be informed of the availability of reduced income supplemental payments and of the necessity that an assistance unit request the payments in order for them to be provided.

HANDBOOK BEGINS HERE

(See Section 44-400 regarding reduced income supplemental payments.)

HANDBOOK ENDS HERE

- .14 At the time an individual applies for aid or at the time a recipient's eligibility for aid is determined, the CWD shall provide the individual, in writing and orally as necessary, a description of the 60-month time limit requirements, including the exemptions from the time limit, as provided in Sections 42-302.11 and 42-302.21 and the process by which recipients can claim the exemptions, as provided in MPP Section 42-302.3. In addition, counties are required to provide information on the number of months an applicant, recipient, or former recipient received aid as follows:
- .141 The applicant shall be informed, by notice of action, at the time that eligibility for aid is authorized, of the cumulative number of countable months that the recipient has received aid, the specific months that were exempt from the 60-month time limit and the remaining number of months that the recipient may be eligible to receive aid.
- .142 The recipient shall be informed, by a notice of action, at redetermination of aid, and at the 54th and 58th countable months on aid. The notice shall include:
- (a) The number of months the recipient received aid as reported on the most recent notice of action,
- (b) The cumulative number of countable months that the recipient received aid and the specific exempt months since the last notice of action,
- (c) The remaining number of months that the recipient may be eligible to receive aid. (See MPP Section 42-302.2 for definition of countable months.)

40-107 COUNTY RESPONSIBILITY (Continued)**40-107**

.143 Upon request for time limit information, a current or former recipient shall be informed, in writing, within 30 calendar days from the date of receipt of the request. The notice shall include:

(a) The cumulative number of countable months that the recipient received aid,

(b) The specific months that were exempt from the 60-month time limit since the most recent notification (pursuant to MPP Sections 40-107.141 and 40-107.142),

(c) The remaining number of months that the recipient may be eligible to receive aid.

.15 When a former CalWORKs recipient applies for aid in another state and the other state requests information on the number of months of assistance provided by Temporary Assistance for Needy Families (TANF) funds, the county where the aid was last received shall promptly respond to the other state's request in writing.

.151 The county shall also send a notice of action to the former CalWORKs recipient at her/his new address in the other state. The notice of action shall include information on the number of months of TANF-funded assistance that was provided to the other state.

HANDBOOK BEGINS HERE

.152 Months of assistance provided by TANF funds shall be reported to the other state. Assistance provided by the California state-only programs, the Separate State Program for Two-Parent Families and the Segregated State Program for Legal Immigrants is not subject to the Federal TANF 60-month time limit. Individuals who received aid provided by the state-only programs do not accrue months of assistance toward the federal TANF 60-month time limit and therefore, the months of aid shall not be reported to the other state.

HANDBOOK ENDS HERE

40-107	COUNTY RESPONSIBILITY (Continued)	40-107
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- .16 Applicants shall be informed:
 - .161 that they may apply for food stamps at the same time as they apply for AFDC.
 - .162 that, if they apply for food stamps at the same time as they apply for AFDC, they have the right to file a joint application and shall have a single interview for both programs.
 - .163 in written form, and orally as appropriate, of the AFDC and Food Stamp programs, explaining the rules regarding eligibility and benefits available from both programs, and that the application interview for AFDC is sufficient for applying for food stamps.
- .17 Applicants/recipients shall receive written information at the time of application or at their first redetermination after implementation of GAIN regarding the GAIN Program as to the following:
 - .171 A description of the program;
 - .172 The availability of job training, employment, education and supportive services, including the types and locations of child care services and the assistance available to select and obtain such services, and Transitional Child Care (TCC) Program benefits;

40-107	COUNTY RESPONSIBILITY (Continued)	40-107
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- .173 The individual's rights and responsibilities;
- .174 The consequences of failure or refusal to participate in the GAIN Program;
- .175 The grounds for exemption from participation in the GAIN Program; and
- .176 The obligations of the county welfare department (CWD) in providing GAIN services.
- .18 Applicants/recipients shall be informed by the CWD orally, as needed, to clarify written information regarding the GAIN Program and/or the requirement for cooperation in establishing paternity and securing support rights.
- .19 The CWD shall provide written notification of the opportunity to express a desire to participate in the GAIN Program and provide a clear description of how to enter the GAIN Program to:
 - .191 Applicants, upon application, but not later than 30 days from the determination of eligibility for aid; and
 - .192 Recipients, at redetermination, but not later than 30 days after being informed in accordance with Section 40-107.16.
- .2 Arrangement for Substitute Payee, Guardian or Conservator

When there is a need for a person to act as a substitute payee on behalf of a recipient or when there is need for protection in the form of a guardian or conservator for the recipient, the county is responsible for assisting in the development of a satisfactory plan.

In planning for selection and appointment of someone to act in behalf of a recipient as a substitute payee, guardian or conservator, every effort must be made to protect the interests of the recipient and to avoid any possible conflict of interest. The recipient has the right to select the substitute payee, guardian or conservator to the extent of his/her capability.

Aid may be paid on behalf of the recipient to such substitute payee, guardian or conservator subject to the requirements and limitations specified below and in Sections 44-303, 44-309, and 44-310.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 10613, 11209, 11268, 11324.8(a) and (f)(1), AB 312, Chapter 1568, Statutes of 1990, 11454(b) and (e), 11495.1, 11500(b), 11502(b), and 11511(a), Welfare and Institutions Code; 42 USC Sections 608(a)(7), 682(c)(2), (3), (4) and (5); 45 CFR 205.42(d)(2)(v)(A) and (B) as printed in Federal Register, Vol. 57, No. 198, Tuesday, October 13, 1992, page 46808; 45 CFR 205.52(a)(1) and (2); 45 CFR 205.55; 45 CFR 250.20; 45 CFR 250.40(a), (b), (c)(1) and (2); 45 CFR 255.1; 45 CFR 256.1(b), and California Department of Health Services Manual Letter 77-1.

CHAPTER 42-300 GENERAL TIME LIMIT REQUIREMENTS

42-301 GENERAL TIME LIMIT REQUIREMENTS FOR ADULTS 42-301

- .1 Time Limits Effective January 1, 1998, there shall be time limits on the receipt of aid for certain adults as specified in Section 42-302.1. Prior to this date, no months shall count toward the time limit provisions.
- .2 Ineligible Due to Time Limits Adults who are ineligible for aid based on the 60-month time limit provisions, specified in Section 42-302, shall be removed from the AU. See MPP Sections 44-133.8 and 82-833.1 for additional regulations pertaining to timed-out adults.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11450 and 11454(a), (b), and (c), Welfare and Institutions Code.

42-302 60-MONTH TIME LIMIT REQUIREMENTS FOR ADULTS 42-302

- .1 60-Month Time Limit Except as specified in Section 42-302.11, no individual shall be eligible for aid when that individual has received aid as an adult, 18 years of age or older, for a cumulative total of 60 months. The 60-month time limit applies both to aid received under CalWORKs and under another state's program funded by the federal Temporary Assistance to Needy Families (TANF) Program. The 60-month time limit shall not apply to children.
- .11 Exceptions When an individual has been aided as an adult for 60 months, aid may continue for that adult when all parents, aided stepparents, and/or caretaker relatives residing in the home of the aided child(ren) meet any of the following conditions:
- .111 Advanced Age The individual is 60 years of age or older.
- .112 Providing Care The individual is exempt from welfare-to-work participation requirements due to:

42-302	60-MONTH TIME LIMIT REQUIREMENTS FOR ADULTS (Continued)	42-302
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(a) The need to care for an ill or incapacitated person residing in the home, and the caretaking responsibilities impair the individual's ability to be regularly employed or to participate in welfare-to-work activities.

(b) Being a nonparent caretaker of either a dependent child of the court, a Kin-GAP child, or, as determined by the county, a child who is at risk of placement in foster care. For this exemption to apply, the county must also determine that the caretaking responsibilities are beyond those considered normal day-to-day parenting responsibilities so that they impair the individual's ability to be regularly employed or to participate in the welfare-to-work activities.

.113 Disabled The individual is receiving benefits from State Disability Insurance, Worker's Compensation Temporary Disability Insurance, In-Home Supportive Services, or the State Supplementary Program, and the disability significantly impairs his/her ability to be employed on a regular basis or to participate in welfare-to-work activities.

.114 Unable to Maintain Employment or Participate Upon reaching the 60-month time limit, the county determines that the individual is not able to maintain employment or to participate in welfare-to-work activities, based on a current assessment of the individual as specified in MPP Section 42-302.114(b), and the county's finding that the individual has a history of participation and full cooperation in welfare-to-work activities.

(a) The county's determination that the individual has a history of participation and full cooperation in welfare-to-work activities shall be based on either of the following criteria that may apply:

42-302	60-MONTH TIME LIMIT REQUIREMENTS FOR ADULTS	42-302
	(Continued)	

- (1) The recipient has not failed to meet satisfactory participation, attendance, and progress requirements, without good cause, as evidenced by the absence of an instance or instances of noncompliance that resulted in a welfare-to-work financial sanction during the time an individual was a mandatory welfare-to-work participant.
- (A) For purposes of this section, a sanction received while the individual was a volunteer in the CalWORKs welfare-to-work program pursuant to MPP Sections 42-712.51 or 42-712.52, or an aid recipient in another state shall not be considered a welfare-to-work sanction.
- (2) The recipient has an instance or instances of noncompliance that resulted in a welfare-to-work sanction or sanctions; however, the individual has also maintained to the best of his/her ability, a sustained period or periods of welfare-to-work participation despite the presence of a significant impairment or combination of impairments, as determined pursuant to MPP Sections 42-711.56, 42-711.57, 42-711.58, or 42-712.442, including domestic abuse, as determined pursuant to MPP Section 42-715.
- (A) For purposes of this section, six months, or two or more periods of welfare-to-work participation within a consecutive 24-month period, including participation in orientation/appraisal, job search, assessment/evaluations, and post-assessment activities, that equal six-months or more shall be considered a sustained period.
- (B) For purposes of this section, a significant impairment is one that does not meet the welfare-to-work exemption or waiver requirements in MPP Sections 42-712 or 42-715, respectively, but nevertheless limits an individual's ability to perform the physical and/or mental functions necessary to maintain employment or participate in welfare-to-work activities.

42-302	60-MONTH TIME LIMIT REQUIREMENTS FOR ADULTS	42-302
	(Continued)	

(b) Upon the county's determination that the individual has a history of participation and full cooperation in welfare-to-work, the county shall assess the individual's current ability to maintain employment or participate in welfare-to-work activities.

(1) For purposes of this section, an individual who is fully participating in her/his welfare-to-work assignment upon reaching the 60-month time limit shall be considered capable of work unless the individual's required hours of participation or welfare-to-work activity have been modified in accordance with MPP Section 42-302.114(b)(2)(C).

(2) The county's determination that an individual is incapable of maintaining employment or participating in welfare-to-work activities shall be based upon, but not limited to, one of the following criteria:

(A) The individual has a documented impairment or combination of impairments, as specified in MPP Section 42-302.114(a)(2), that the county has determined severely limits the individual's ability to successfully maintain employment or participate in welfare-to-work activities for 20 or more hours per week.

(B) The individual has a documented impairment or combination of impairments, as specified in MPP Section 42-302.114(a)(2), or has been a victim of domestic abuse for whom the county has waived work requirements, pursuant to MPP Section 42-715, that has resulted in a failure or repeated failure to participate or progress in her/his welfare-to-work activity.

42-302	60-MONTH TIME LIMIT REQUIREMENTS FOR ADULTS (Continued)	42-302
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(C) In accordance with MPP Section 42-302.114(a)(2), the individual has a documented impairment and has maintained her/his participation in welfare-to-work activities only through a significant modification of the hours of participation requirement and/or welfare-to-work activities.

(D) The individual has a documented impairment or combination of impairments, as specified in MPP Section 42-302.114(a)(2), and local labor market conditions limit the availability of employers that could reasonably accommodate the individual's physical and/or mental limitations.

(c) Individuals that are determined to be incapable of maintaining employment shall have their condition reviewed at least once every 12 months, unless the disabling condition or conditions is expected to improve at an earlier date. For individuals with a learning impairment, the county shall review the individual's ability to cope with his/her impairment and shall not require a reevaluation of the learning impairment, which was documented pursuant to MPP Section 42-711.58.

.115 Unaided The individual is excluded from the AU for reasons other than exceeding the time limit.

.12 Domestic Abuse When an individual has been aided as an adult for 60 months, aid may continue for that adult when the individual is a victim of domestic abuse and the county has determined that good cause exists for waiving the 60-month time limit. See Section 42-713.22.

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42-302	60-MONTH TIME LIMIT REQUIREMENTS FOR ADULTS	42-302
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| .2 | Counting the 60-Month Limit | Any month or partial month in which an adult is included in an AU that receives a cash grant, including Reduced Income Supplemental Payments (Section 44-400) and Special Needs, (Section 44-211), shall count for the purposes of the 60-month time limit, except as provided in Sections 42-302.21 (Exempt Months) and 42-302.22 (Diversion Count). |
| .21 | Exempt Months | Any month in which any of the following conditions exist for any period during the month shall not count toward the 60-month limit as specified: |
| (a) | Disability | The individual is exempt from welfare-to-work participation requirements due to a verified disability that is expected to last at least 30 days. |
| (b) | Providing Care | The individual is exempt from welfare-to-work participation requirements due to: |
| (1) | | The need to care for an ill or incapacitated person residing in the home, and the caretaking responsibilities impair the individual's ability to be regularly employed or to participate in welfare-to-work activities. |
| (2) | | Being the nonparent caretaker of either a dependent child of the court, a Kin-GAP child, or, as determined by the county, a child who is at risk of placement in foster care. For this exemption to apply, the county must also determine that the caretaking responsibilities are beyond those considered normal day-to-day parenting responsibilities so that they impair the individual's ability to be regularly employed or to participate in the welfare-to-work activities. |
| (c) | Domestic Abuse | The individual is a victim of domestic abuse and the county has determined that good cause exists for waiving the 60-month time limit. See Section 42-713.22. |

42-302	60-MONTH TIME LIMIT REQUIREMENTS FOR ADULTS (Continued)	42-302
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| (d) | Teen Program | The individual is eligible for, participating in, or exempt from Cal-Learn or another teen parent program approved by the CDSS. The exemption does not apply to an individual who is 19 years of age and is eligible for voluntary participation if the individual chooses not to participate in Cal-Learn. |
| (e) | Advanced Age | The individual is exempt from welfare-to-work participation requirements due to being 60 years of age or older. |
| (f) | Unaided | The individual is excluded from the AU for reasons other than exceeding the time limit. |
| (g) | Aid is Reimbursed | The cash aid is fully reimbursed as a result of child support collection whether collected in that month or any subsequent month. This includes child support reimbursements for months of aid from other states. |
| (1) | Other States | When the individual's 60-month time limit has been reached and the individual declares that months of aid have been fully reimbursed in another state as a result of child support collection, the county shall verify this information and credit any verified month(s) for California's 60-month time limit. |
| (h) | Living in Indian Country | The individual lived in Indian country, as defined by federal law, or an Alaskan native village, in which at least 50 percent of the adults living in the Indian country or in the village are not employed. |
| (1) | | Counties shall obtain the required information on unemployment rates through the governing body of each tribal land. |
| (i) | Receiving Supportive Services | The individual is a former recipient of cash aid and is only receiving child care, case management or supportive services. |
| (j) | Grant Amounts \$10 Or less | The recipient does not receive a cash aid payment for the month because the grant amount is \$10 or less. |

42-302	60-MONTH TIME LIMIT REQUIREMENTS FOR ADULTS	42-302
	(Continued)	

HANDBOOK BEGINS HERE

- .222 A recipient receives a diversion lump sum payment of \$1,800 in March. The month of March counts toward the 60-month time limit. The recipient's Region 2, Non-Exempt MAP amount is \$538. This results in a diversion period of three months for the months of March, April, and May. The recipient does not apply for CalWORKs cash aid during the diversion period. The recipient reapplies in September and receives another diversion payment of \$800 in September. The months of March and September both apply toward the 60-month time limit.

HANDBOOK ENDS HERE

- .223 Reapplies for CalWORKs
 During Diversion Period If the diversion recipient applies for cash aid during the diversion period and is determined eligible, the recipient shall have the option to:
- (a) Have the diversion payment recouped from the CalWORKs cash aid; or
- (b) Count the diversion payment toward the 60-month time limit.
- (1) The number of months counted toward the 60-month time limit is calculated by dividing the total diversion payment by the MAP for the apparently eligible AU at the time the diversion payment was made. The month(s) resulting from this calculation, less any partial month, is (are) counted toward the 60-month limit. Do not count the initial month (as counted pursuant to Section 42-302.221) twice.

42-302	60-MONTH TIME LIMIT REQUIREMENTS FOR ADULTS (Continued)	42-302
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HANDBOOK BEGINS HERE

.224 A recipient with a Region 2, Non-Exempt MAP of \$538 received a lump sum diversion payment in the amount of \$1,800 in March. The recipient returns to the county in May (within the diversion period), is determined eligible for CalWORKs cash aid, and opts not to have the \$1,800 diversion payment recouped from the CalWORKs cash aid. The diversion payment equates to 3.3 months of aid. The partial month is dropped, and the recipient has a total of three months (March, April, and May) counted toward the 60-month time limit.

.225 A recipient with a Region 2, Non-Exempt MAP of \$538 receives a diversion lump sum payment of \$100 on March 2. The recipient reapplies for CalWORKs cash aid in the same month and is determined eligible. The month of March counts as one month toward the 60-month limit because the recipient received CalWORKs aid.

HANDBOOK ENDS HERE

.3	Requesting Exemptions/Exceptions	A recipient can request an exemption/exception verbally or in writing. When a recipient states that s/he meets a condition that qualifies as an exemption or exception to the 60-month time limit, as specified in MPP Sections 42-302.21 and 42-302.11, the county shall document the request and provide the recipient with an exemption/exception request form.
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.31	Exemption/ Exception Request Form	The form to request an exemption or exception shall include, but is not limited to, the following:
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(a)	A description of the exemptions to the CalWORKs 18- or 24-month time limit, provided in MPP Section 42-712, the 60-month time limit, provided in MPP Section 42-302.21, and a description of the 60-month time limit exceptions, provided in MPP Section 42-302.11.
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42-302	60-MONTH TIME LIMIT REQUIREMENTS FOR ADULTS (Continued)	42-302
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| | (b) | A statement that the individual may need to provide documentation to substantiate some exemptions/exceptions. |
| | (c) | A statement that exemptions for aid reimbursed by child support collected, grant amounts of \$10 or less, and receiving only supportive services do not require a formal request. |
| | (d) | A statement that the individual will be informed, in writing, whether the exemption/exception is granted or not and the reason. |
| | (e) | A statement that the individual may request a State hearing to appeal a denial of an exemption/exception request. |
| .32 | Exemption/Exception Determination | The county shall inform the individual, in writing, of the exemption/exception determination within 15 calendar days from the date of receipt of a verbal or written request for an exemption/exception. The specified time limit may be exceeded in situations where completion of the determination is delayed because of circumstances beyond the control of the county, in which instances the case record must specify the cause for delay. These instances include: |
| | (a) | Inability on the part of the recipient to provide the necessary verification. |
| | (b) | Delay on the part of an examining physician to provide the necessary information. |
| .33 | Documentation of Exemption/Exception | The county shall first research all available and relevant case records before requesting additional verification from the recipient. |
| .34 | Determination Notice | The notice of action approving or denying a request for an exemption or exception shall include, but is not limited to, the following: |

42-302	60-MONTH TIME LIMIT REQUIREMENTS FOR ADULTS (Continued)	42-302
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| (a) | Notification that a month of aid is or is not exempt from the CalWORKs 60-month time limit based upon the criteria for exempt months provided in Section 42-302.21 and the reason the exemption is granted or denied; or |
| (b) | Notification that the individual is or is not eligible to receive assistance beyond the 60-month time limit based upon the criteria for exceptions to the 60-month time limit provided in MPP Section 42-302.11, and the reason the exception is granted or denied; and |
| (c) | Notification of hearing rights. |

NOTE: Authority cited: Sections 10553, 10554, and 11369, Welfare and Institutions Code. Reference: Sections 11266.5, 11454, 11454(e) and (e)(5), 11454.5, 11454.5(b) and (b)(4) and (5), and 11495.1, Welfare and Institutions Code, and 42 U.S.C. 608(a)(7)(a), (B) and (D).

44-133	TREATMENT OF INCOME -- CALWORKS	44-133
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.3 Income of Children in Foster Care and Kin-GAP

All net income received by or on behalf of children in foster care or Kin-GAP shall be considered income to the child.

.4 Income in Cases in Which a Parent or Child Has Been Sanctioned or Penalized

.41 Income of persons living in the home, who are required to be in the AU but who have been sanctioned or penalized is available to the AU. The needs of these individuals are not considered except for persons in an AU that are being penalized for failure to cooperate with child support. Actions which are subject to sanction or which constitute a failure to cooperate include, but are not limited to, any one of the following:

.411 Failing or refusing, without cause, to comply with welfare-to-work requirements;

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(See Section 42-721 for Welfare-to-Work Requirements)

HANDBOOK ENDS HERE

.412 Refusing to furnish or cooperate in securing a social security number for himself/herself;

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(see Section 40-105.2)

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.413 Refusing to assign rights to child and spousal support payments;

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(See Section 82-510)

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.414 Refusing to take actions necessary to obtain unconditionally available income.

44-133	TREATMENT OF INCOME -- CALWORKS (Continued)	44-133
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(See Section 82-610)

HANDBOOK ENDS HERE

- .415 Refusing or failing to attend school regularly or cooperate in verifying school attendance.
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(See Section 42-101.5)

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- .416 Refusing or failing to submit verification of immunization for AU children under age 6.
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(See Section 40-105(j))

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- .417 Committing an Intentional Program Violation (IPV)
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(See Section 20-351)

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.5 Income and Needs in Cases in Which a Person is Excluded

- .51 The income of a parent is considered when that parent is living in the home but is excluded from the AU. A parent's needs shall only be considered if he/she has income unless the parent is an ineligible alien parent as specified in Section 44-133.521. This section does not apply to parents excluded for the following reasons: a) a sanction; b) being a recipient of another aid program; or c) being a member of a different AU. See MPP Section 44-133.8 for treatment of income and needs of timed-out adults. Parents whose needs and income are considered include, but are not limited to:
- .511 A stepparent who is the spouse of the applicant and/or recipient child's parent when the child's parent is residing in the home and the stepparent is not the parent of any natural or adoptive children who are required to be included in the AU.

44-133	TREATMENT OF INCOME -- CALWORKS (Continued)	44-133
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- .6 Income of a Nonneedy Caretaker Relative Other than the Parent
- .61 The amount by which a nonneedy relative, other than a parent with whom the child lives, is able and willing to meet the child's needs is income to the Assistance Unit.
- .7 Income in Cases Where a Noncitizen Has Been Sponsored for Entry into the United States
- .71 When a noncitizen is sponsored by an individual as defined in Section 43-119.2 the income of his/her sponsor who is not receiving cash aid, SSI or other public cash assistance payments (such as General Assistance) and the income of the sponsor's spouse who lives with the sponsor and who is not receiving such public cash assistance payments shall be deemed to be the sponsored noncitizen's income. This income is determined as follows:
- .711 Determine the total amount of unearned income of the sponsor and his/her spouse.
- .712 Determine the total amount of income received by the sponsor and his/her spouse, such as wages or salary, or as net earnings from self-employment. See Section 44-113.212.

44-133	TREATMENT OF INCOME -- CALWORKS (Continued)	44-133
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- .713 If the sponsor is the sponsor of more than one noncitizen, divide the total gross income by the total number of sponsored noncitizens who are applying for or receiving cash aid. This amount shall be deemed to be the income of each applicant or recipient who is a sponsored noncitizen.
- .714 When the sponsored noncitizen is not included in the AU (see Section 82-832), the portion of his/her income, which has been deemed from the sponsor, shall not be used in determining his/her contribution to the AU unless such income is actually available to the AU.
- .715 When the sponsored noncitizen is a member of the AU, this deemed income from the sponsor shall be treated as unearned income in accordance with Sections 44-113 and 44-315.4.
- .716 If the sponsor is either an excluded parent or stepparent, his/her income shall be treated in accordance with the excluded parent or stepparent deeming computation. See Sections 44-133.3 and 44-133.63.
- .72 Repealed by CDSS Manual Letter No. EAS-01-09, effective 10/10/01.

.8 Income and Needs of Timed-Out Adults.

Income and needs of adults living in the home who have been removed from the AU due to exceeding the 60-month CalWORKs time limits shall be treated as follows:

- .81 Parents otherwise required to be in the AU. Net non-exempt income of timed-out parents who are otherwise required to be in the AU and living in the home shall be considered available to the AU. The needs of these parents shall not be considered when calculating the grant for the aided AU members.
- .82 Non-parent caretaker relatives. Timed-out non-parent caretaker relatives living in the home are no longer eligible to be optional AU members, and their income and needs shall not be considered when calculating the grant for the aided AU members.
- .83 Stepparents not required to be in the AU. Timed-out stepparents not required to be in the AU and living in the home are no longer eligible to be optional AU members, and their net non-exempt income and needs shall be treated in accordance with the provisions of MPP Sections 44-133.51 and 44-133.511.
- .84 See MPP Sections 42-301 and 82.833.1 for regulations regarding timed-out adults. For timed-out adults whose income must be considered in the AU's grant computation, net nonexempt income shall be determined as specified at MPP Section 44-113.2.

44-133	TREATMENT OF INCOME -- CALWORKS (Continued)	44-133
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NOTE: Authority cited: Sections 10553, 10554, 10604, and 11369, Welfare and Institutions Code. Reference: Sections 10063, 10553, 10554, 10604, 11008.14, 11254, 11320.15, 11450, 11452, 11453, 11486, 18937, 18940, and 11371, Welfare and Institutions Code; 45 CFR 205.50(a)(1)(i)(A); 45 CFR 233.20(a)(1)(i); 45 CFR 233.20(a)(3)(ii)(C), (a)(3)(vi)(B), (a)(3)(xiv), (a)(3)(xiv)(B), and (xviii); 45 CFR 233.50(A)(c); and 45 CFR 233.90(c)(2)(i); Family Support Administration Action Transmittal 91-15 (FSA-AT-91-15), dated April 23, 1991; and Omnibus Budget Reconciliation Act (OBRA) of 1990; U.S. Department of Health and Human Services Federal Action Transmittal No. FSA-AT-91-4 dated February 25, 1991; Simpson v. Hegstrom, 873 F.2d 1294 (1989); Ortega v. Anderson, Case No. 746632-0 (Alameda Superior Court) July 11, 1995; and Federal Register, Vol. 58, No. 182, pages 49218 - 20, dated September 22, 1993; 8 U.S.C. 1631; and 42 U.S.C. 602(a)(39).

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TABLE OF CONTENTS**CHAPTER 82-800 ASSISTANCE UNIT**

	Section
Living in the Home of a Caretaker Relative	82-804
Living in the Home .....	.1
Home of a Caretaker Relative .....	.2
Caretaker Relative Requirements	82-808
Relationship of a Caretaker Relative .....	.1
Determining the Caretaker Relative .....	.2
Care and Control Factors .....	.3
Alternating Arrangements .....	.4
Number of Caretaker Relatives .....	.5
Minor Parent/Caretaker Relative .....	.6
Temporary Absence	82-812
Who Can Be Temporarily Absent .....	.1
Living With the Caretaker Relative .....	.2
Care and Control .....	.3
Determining Factors .....	.4
One Full Calendar Month Time Limit .....	.5
Exceptions to One Full Calendar Month Time Limitation .....	.6
Documentation of Temporary Absence .....	.7
Repealed by Manual Letter No. EAS-97-05, effective 5/1/97 .....	.8
Included Persons	82-820
Assistance Unit .....	.1
Minimum Requirements .....	.2
Mandatory Inclusion .....	.3
Who Determines AU .....	.4
Penalty .....	.5
Assistance Units that Shall be Combined	82-824
Combining Aus .....	.1

TABLE OF CONTENTS (Continued)

CHAPTER 82-800 ASSISTANCE UNIT

	Section
Optional Persons	82-828
County Responsibility .....	.1
Optional Persons .....	.2
Excluded Persons	82-832
Person Who is Excluded by Law .....	.1
Sanctioned Persons .....	.2
Timed-Out Adults	82-833
Federal AFDC Program for Pregnant Women.....	82-836
AU of One.....	.1
Pregnancy Special Need2

82-828	OPTIONAL PERSONS (Continued)	82-828
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| .22 | Other Eligible Children | Any other eligible children, including, but not limited to, a niece or nephew. |
| .23 | Essential Persons | Any essential person who meets the requirements of Section 44-209.3. |

[Previous cite: 44-205.5, 44-203.3, 44-118.11]

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 42 USCA 606(a) and (b)(1); 45 CFR 206.10(a)(1)(vii) and (a)(2)(i), 45 CFR 233.20(a)(2)(vi), and 45 CFR 237.50(b)(3)(i) and (b)(4)(i); SSA-AT-80-32 and SSA-AT-86-01; and Section 11203, Welfare and Institutions Code.

82-832	EXCLUDED PERSONS	82-832
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| .1 | Person Who Is Excluded By Law | A person excluded from the AU by law is a person who: |
| (a) | Child of AFDC-FC or Kin-GAP Child | Is a child living with his/her minor parent who is receiving AFDC-FC or Kin-GAP. |
| (b) | Citizenship/ Alienage | Does not meet the citizenship/alien status requirements. |
| (c) | Father of Unborn | Is an unborn child's father who is living in the home with the pregnant woman and who is: |
| .131 | | Not the parent or caretaker relative of an eligible child, or |
| .132 | | Not an essential person. |
| (d) | Other Aid | Receives SSI/SSP, Refugee Repatriate Payment (RRP), Kin-GAP or AFDC-FC. |
| (e) | Sponsored Noncitizen | Is a sponsored noncitizen whose needs are being met by a sponsor's deemed income. |
| (f) | Spouse of Eligible Child | Is a spouse of an eligible child, living with the child in the senior parent's home, when there is no child in common for whom deprivation exists. |

82-832 EXCLUDED PERSONS (Continued)

82-832

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| <p>(g) Refugee Eligible for Alternative Project</p> <p>(h) Fleeing Felon</p> <p>(i) Violation of Probation or Parole</p> <p>(j) Convicted Drug Felon</p> | <p>Is a refugee who is eligible for and required to participate in an alternative project implemented pursuant to Section 412(e)(7) of the federal Immigration and Nationality Act 8 USC 1522(e)(7).</p> <p>Is fleeing to avoid prosecution, or custody or confinement after conviction for a crime or attempt to commit a crime that is a felony. The existence of a warrant for arrest shall be presumed to be evidence of fleeing, unless rebutted by other evidence sufficient to prove that the individual had no knowledge that he/she is being sought by law enforcement.</p> <p>Is in violation of a condition of probation or parole. The initial offense for which probation or parole was ordered need not have been a felony.</p> <p>Has been convicted in a state or federal court of a felony that has as an element, the possession, use or distribution of a controlled substance. The conviction must be after December 31, 1997. Controlled substance is defined in Section 102(6) of the Controlled Substances Act (21 U.S.C. Section 802(6)) or Division 10 (commencing with Section 11000) of the Health and Safety Code. The term 'convicted' also includes a plea of guilty or nolo contendere.</p> |
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| <p>.2 Sanctioned Persons</p> <p>.21 Child/Spousal Support</p> <p>.22 Citizenship</p> <p>.23 Welfare-to-Work</p> <p>.231</p> | <p>A person excluded from the AU due to a sanction, is:</p> <p>A parent, pregnant woman, or caretaker relative who refuses to assign support rights.</p> <p>A person who fails to cooperate in the verification of his/her citizenship or alien status.</p> <p>A non-exempt welfare-to-work participant who fails or refuses without good cause to meet program requirements, and:</p> <p>When the participant is a principal earner, the second parent is also ineligible unless he/she is participating in welfare-to-work activities.</p> |
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82-832	EXCLUDED PERSONS (Continued)	82-832
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| .24 | Social Security Number | An applicant or recipient; or a child whose parent, caretaker relative, or legal guardian who: |
| .241 | | Refuses or fails to furnish an SSN or evidence of a completed application for an SSN, or |
| .242 | | Refuses or fails to cooperate in verifying an SSN. |
| .25 | Striking | A striker who is not a caretaker relative. |
| .26 | | Repealed by Manual Letter No. EAS-98-03, effective 7/1/98. |

[Previous cite: 44-206]

NOTE: Authority cited: Sections 10553, 10554, 10604, 11270, and 11369, Welfare and Institutions Code. Reference: 8 CFR 213a. and 299; 45 CFR 205.42(d)(2)(v)(A) and (B), as printed in Federal Register, Vol. 57, No. 198, Tuesday, October 13, 1992, page 46808, 45 CFR 205.52, 45 CFR 206.10(a)(5)(i), 45 CFR 232.12(d), 45 CFR 233.10(a)(1)(i), (a)(1)(i)(B), and (a)(3), 45 CFR 233.20(a)(1)(i), (a)(3)(ii)(C) and (F), and (a)(3)(ix), 45 CFR 233.50, 45 CFR 233.51, 45 CFR 233.90(c), (c)(1), and (c)(2)(iv), 45 CFR 233.100(a)(5)(ii), 45 CFR 233.106, 45 CFR 240.22, and 45 CFR 250.34(a) and (c), and (c)(2); and Sections 11008.13, 11104, 11157, 11201(b), 11203, 11251.3, 11263.5, 11268, 11270, 11315, 11320.6(e), 11327.5(c), 11406.5, 11450, 11454, 11454.5, 11477, 11477.02, 11486, and 11486.5, Welfare and Institutions Code; and the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, Section 115.

82-833	TIMED-OUT ADULTS	82-833
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| .1 | A timed-out adult is an adult who has been removed from the AU due to exceeding the 60-month CalWORKs time limit specified in MPP Section 42-301. See MPP Section 44-133.8 for treatment of income and needs of timed-out adults. |
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NOTE: Authority cited: Sections 10553, 10554, 11270, and 11369, Welfare and Institutions Code. Reference: 45 CFR 205.42(d)(2)(v)(A) and (B), as printed in Federal Register, Vol. 57, No. 198, Tuesday, October 13, 1992, page 46808, 45 CFR 205.52, 45 CFR 206.10(a)(5)(i), 45 CFR 232.12(d), 45 CFR 233.10(a)(1)(i), (a)(1)(i)(B), and (a)(3), 45 CFR 233.20(a)(1)(i), (a)(3)(ii)(C) and (F), and (a)(3)(ix), 45 CFR 233.50, 45 CFR 233.51, 45 CFR 233.90(c), (c)(1), and (c)(2)(iv), 45 CFR 233.100(a)(5)(ii), 45 CFR 233.106, 45 CFR 240.22, and 45 CFR 250.34(a) and (c), and (c)(2); and Sections 11008.13, 11104, 11157, 11201(b), 11203, 11251.3, 11263.5, 11268, 11270, 11315, 11320.6(e), 11327.5(c), 11406.5, 11450, 11454, 11454.5, 11477, 11477.02, 11486, and 11486.5, Welfare and Institutions Code; and the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, Section 115.

82-836	FEDERAL AFDC PROGRAM FOR PREGNANT WOMEN	82-836
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| .1 | AU of One | An AU of one without an eligible child shall be established when a pregnant woman, regardless of age, meets all of the following conditions: |
| .11 | Verification | Medical verification of pregnancy is provided to the county, and |
| .12 | Eligibility | The pregnant woman and unborn child, if born and living with the mother, would be eligible for federal AFDC in the payment month, and |
| .13 | Duration of Pregnancy | The pregnancy has reached the three-month period before the month of anticipated birth (see State AFDC For Pregnant Women), and |
| .14 | No Other AU Eligibility | The pregnant woman could not be included in another AU. |

HANDBOOK BEGINS HERE

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| .15 | | See Section 42-762.7 regarding federal eligibility during the first and second trimesters for pregnant Cal-Learn participants with no other eligible children. |
| .2 | Pregnancy Special Need | A pregnant woman may be eligible to receive a pregnancy special need payment. |

HANDBOOK ENDS HERE

[Previous cite: 44-205.6]

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 45 CFR 233.10(a)(1) and (a)(1)(iv), 45 CFR 233.90(c)(2)(iv), and 45 CFR 206.10(a)(1)(vii); and Section 11450(b), Welfare and Institutions Code.